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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,045	08/07/2006	Gerald Lindorfer	10901/109	1681
26646	7590	07/16/2007		
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER NATALINI, JEFF WILLIAM	
			ART UNIT	PAPER NUMBER
			2858	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/553,045	<b>Applicant(s)</b> LINDORFER, GERALD	
	<b>Examiner</b> Jeff Natalini	<b>Art Unit</b> 2858	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/12/05</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Objections***

The numbering of claims is improper, there are two claim 11's listed in the claims. Accordingly the second claim 11 will be numbered claim 12 and each following claim will be increased by one number. Attached is the claims with the new numbering.

***Information Disclosure Statement***

The information disclosure statement filed 10/12/2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. Specifically SU 559130, RU 2143678, EP 0343593, and EP 0329436.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 10, 12, 13, and 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishijima et al. (4942364 cited on the IDS).

In regard to claims 9, 15, and 17, Nishijima et al. discloses a system or method of creating a system having:

a thin-film sensor (abstract; column 8 line 58-64) including a surface having at least one contact area (figure 11a-b element 1; col 12 line 60 – col 13 line 6);

a printed circuit board including a surface having at least one contact pad (figure 11a-b element 13), the thin-film sensor arranged relative to the surface of the printed circuit board such that the surface of the thin-film sensor faces away from the surface of the printed circuit board (figure 11a element 1 faces away from element 13); and

a conductive adhesive adapted to transmit sensor currents from the thin-film sensor to the printed circuit board, the conductive adhesive adhering to the contact area of the thin-film sensor and the contact pad on the surface of the printed circuit board (figures 11a-b element 3; col 12 line 60 – col 13 line 6).

In regard to claim 10, Nishijima et al. discloses wherein the thin-film sensor is arranged as a moisture sensor (abstract).

In regard to claim 12, Nishijima et al. discloses wherein the thin-film sensor includes two contact areas, each contact area joined by the conductive adhesive to a corresponding contact pad of the printed circuit board (figure 11b, the two element 3's are contact pads attached to the circuit board at the corresponding position which due to contact is broadly considered "a contact pad", these contact pads are formed from the adhesive so would be part of the adhesive).

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In regard to claim 13, Nishijima et al. discloses further comprising mounting adhesive arranged at least in one partial area between the thin-film sensor and the printed circuit board (figure 11a-b, element 3 is located between elements 13 and 1).

In regard to claim 16, Nishijima et al. discloses applying a mounting adhesive (figure 11a-b element 3) on one of the circuit board prior to placing a sensor relative to the board (in order to form the sensor attached to the circuit board the adhesive would have to be put there, and thus it would be prior to having the circuit board and sensor placed together).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishijima et al. (4942364) in view of Davis et al. (6867602).

Nishijima et al. lacks specifically wherein the thin-film sensor is adapted to operate as a capacitive sensor.

Davis et al. discloses wherein a humidity sensor operates as a capacitive sensor (abstract).

It would have been obvious to one with ordinary skill in the art at the time the invention was made for Nishijima et al. to incorporate the sensor into a capacitive type

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sensor as taught by Davis et al. in order to measure a very small moisture content in gaseous atmospheres (col 1 line 25-35).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishijima et al. (4942364) in view of Cok et al. (6967439).

Nishijima et al. lacks specifically stating wherein the thermal conductivity of the mounting adhesive is greater than  $.3 \text{ W/(m}^{\circ}\text{K)}$ .

Cok et al. discloses wherein the thermal conductivity is greater than  $.2 \text{ W/(m}^{\circ}\text{K)}$  (abstract).

It would have been obvious to one with ordinary skill in the art at the time the invention was made for Nishijima et al. to have the conductivity of the adhesive greater than  $.3 \text{ W/(m}^{\circ}\text{K)}$  as taught by Cok et al. in order to allow a proper amount of current to pass through the sensor.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ludwig et al. (4939469) discloses a method of evaluating printed circuit boards which contains a sensor for moisture detection on the printed circuit board.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Natalini whose telephone number is 571-272-2266.

The examiner can normally be reached on M-F 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeff Natalini



  
ANJAN DEB  
PRIMARY EXAMINER